

**DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, DC 20350-1000**

**SECNAVINST 5511.36A
OP-09N1
21 July 1992**

SECNAV INSTRUCTION 5511.36A

**From: Secretary of the Navy
To: All Ships and Stations**

**Subj: AUTHORITY OF MILITARY
COMMANDERS UNDER THE IN-
TERNAL SECURITY ACT OF 1950
TO ISSUE SECURITY ORDERS AND
REGULATIONS FOR THE PROTEC-
TION OR SECURITY OF PROPERTY
OR PLACES UNDER THEIR COM-
MAND**

Ref: (a) SECNAVINST 5720.45

**R) Encl: (1) DOD Directive 5200.8
of 25 April 1991**

1. Purpose. To designate military commanders to promulgate regulations for the protection or security of property or places under their command, pursuant to the provisions of Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797) as provided for in enclosure (1).

2. Cancellation. SECNAVINST 5511.36.

3. Applicability. This instruction applies to all components of the Department of the Navy.

4. Procedures. Commanders issuing security orders and regulations must comply with the provisions of enclosure (1), and, where applicable, reference (a). **(R)**

**DAN HOWARD
Under Secretary of the Navy**

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Department of Defense
DIRECTIVE

SECNAVINST 5511.36A

21 JUL 1992

April 25, 1991
NUMBER 5200.8

USD(P)

SUBJECT: Security of DoD Installations and Resources

- References:**
- (a) DoD Directive 5200.8, "Security of Military Installations and Resources," July 29, 1980 (hereby canceled)
 - (b) DoD 5025.1-M, "DoD Directives System Procedures," December 1990, authorized by DoD Directive 5025.1, December 23, 1988
 - (c) DoD Instruction 5210.71, "Security of Selected Sensitive Inventory Items--Drugs, Drug Abuse Items, and Precious Metals," August 28, 1981 (hereby canceled)
 - (d) DoD Directive 5210.73, "Security of DoD Communications Facilities," April 30, 1984 (hereby canceled)

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a) and designates the military commanders authorized to issue regulations for the protection or security of property or places under their command, in accordance with Section 797 of 50 U.S.C. (Section 21 of the "Internal Security Act of 1950") (enclosure 1).

2. Authorizes the publication of DoD 5200.8-R, "Physical Security Program," in accordance with reference (b), to establish consistent minimum standards for the protection of DoD installations and resources.

3. Replaces references (c) and (d), and incorporates necessary requirements of those DoD issuances into DoD 5200.8-R.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments (including the National Guard and Reserve components), the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

Enclosure (1)

C. POLICY

It is DoD policy that:

1. Military installations, property, and personnel be protected and that applicable laws and regulations be enforced.

2. The authority of a DoD installation commander to take reasonably necessary and lawful measures to maintain law and order and to protect installation personnel and property has long been recognized as follows:

a. That authority extends to temporarily established "National Defense Areas" under emergency situations such as accident sites involving Federal equipment or personnel on official business.

b. That authority also includes the removal from, or the denial of access to, an installation or site of individuals who threaten the orderly administration of the installation or site.

c. That authority must not be exercised in an arbitrary, capricious, or discriminatory manner. Removal or denial actions must be based on reasonable grounds and be judiciously applied.

d. Statutory authority also exists prohibiting individuals from reentering an installation after they have been removed and ordered not to reenter under Section 1382 of 18 U.S.C. (enclosure 2). If this order is violated, the commander of a DoD installation has authority to detain persons not subject to military law until the civil authorities can respond. Prosecution of offenders is appropriate.

D. RESPONSIBILITIES

1. The Under Secretary of Defense for Policy shall develop overall security policy including requirements for the DoD Physical Security Program.

2. The Secretaries of the Military Departments and the Heads of the Other DoD Components shall establish policies and procedures to implement this Directive.

E. PROCEDURES

1. The following military commanders shall issue the necessary regulations for the protection and security of property or places under their command, in accordance with Section 797 of 50 U.S.C. (enclosure 1):

a. The commanding officers of all military reservations, posts, camps, stations, or installations subject to the jurisdiction, administration, or in the custody of the Department of the Army.

b. The commanding officers of all naval ships, bases, stations, camps, activities, or installations and the commanding officers of all Marine Corps bases, camps, stations, and supply activities, subject to the jurisdiction, administration, or in the custody of the Department of the Navy.

c. The commanders of major air commands, numbered air forces, air divisions, wings, groups, or installations subject to the jurisdiction, administration, or in the custody of the Department of the Air Force.

d. The commanders of installations or activities subject to the jurisdiction, administration, or in the custody of the Defense Agencies or separate operating activities.

e. The commanders of installations or activities subject to the jurisdiction, administration, or in the custody of the Commanders in Chief of the Unified and Specified Commands, or the Chairman of the Joint Chiefs of Staff.

f. The commanders in the chain of command immediately above an installation or activity not headed by a military commander shall issue regulations or orders on the security of the installation or activity. Where there is no military commander in the chain, necessary proposed regulations or orders shall be forwarded to the Under Secretary of Defense for Policy for processing.

2. The military commanders shall prepare, conspicuously post, and enforce the security orders and regulations issued, in accordance with this Directive and the cited public laws, to ensure the proper safeguarding of personnel, facilities, and property from loss, destruction, espionage, terrorism, or sabotage.

3. In promulgating security regulations, the military commanders shall comply with policies and procedures established by the Head of the DoD Component concerned. All security orders and regulations shall be submitted for review to ensure legal sufficiency by the servicing Judge Advocate or other legal advisor to the command.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Under Secretary of Defense for Policy within 180 days.



Donald J. Atwood
Deputy Secretary of Defense

Enclosures - 2

1. Section 797 of title 50, United States Code (Section 21 of "the Internal Security Act of 1950")
2. Section 1382 of title 18, United States Code

SECTION 797 OF TITLE 50, UNITED STATES CODE
(SECTION 21 OF "THE INTERNAL SECURITY ACT OF 1950")

Security regulations and orders; penalty for violation

(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage, or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both.

(b) Every such regulation or order shall be posted in conspicuous and appropriate places.

SECTION 1382 OF TITLE 18, UNITED STATES CODE

Sec. 1382. Entering military, naval, or Coast Guard property

Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation for any purpose prohibited by law or lawful regulation; or

Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof--

Shall be fined not more than \$500 or imprisoned not more than six months, or both.